

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 18, 2004
Bulk Item: Yes X No

Division: Growth Management
Department: Planning

AGENDA ITEM WORDING: Approval for one Restrictive Covenant from Thomas and Kathleen Kelly. for a floor area intensity reduction on a property described as Parcels C & D Part of Government Lot 8, and further described by Metes and Bounds on attached warranty deed having Parcel Identification Numbers 00114700.000000 and 00114660.000000

ITEM BACKGROUND: On April 28, 2004, the Planning Commission conducted a public hearing to review, discuss, and make formal motions regarding amended Year 12 annual allocation and the Non-Residential Floor Area Ranking Report; and P25-04 approved a floor area allocation of 1250 square feet for Permit 031-5135 for Thomas and Kathleen Kelly.

PREVIOUS RELEVANT BOARD ACTION: On July 18, 2001, the BOCC adopted Ordinance No. 032-2001, the NROGO Ordinance. The Board of County Commissioners approved floor area allocation for NROGO Year 12 at their meeting on November 19, 2003. On March 18, 2004, during a regular public meeting, the Board of County Commissioners, passed and adopted by Resolution an amendment to the Year 12 annual allocation that increased the available floor area to 16,000 square feet all of which is to be made available for applicants in a single allocation in January, 2004.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

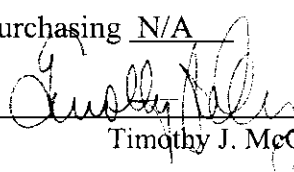
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:



Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # H 16

M E M O R A N D U M

TO: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director 
DATE: July 29, 2004
RE: Clarification of Agenda Item

Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
03105135	Thomas and Kathleen Kelly	Thomas and Kathleen Kelly	Metes and Bounds Warranty Deed attached

This instrument prepared by:

Whitney Meehan
26351 State Road 4
Ramrod Key, FL 33042

**INTENSITY REDUCTION RESTRICTIVE COVENANT
NON-RESIDENTIAL**

WHEREAS Thomas Kelly and Kathleen Kelly, the undersigned is the sole owners of the following described real property located in Monroe County, Florida, described as follows:

Lot(s): Parcels C&D Part of Govt. Lot 8-24171 Overseas Highway and as further described on the attached warranty deed **Block:** N/A

Subdivision: N/A

Key: Summerland Key

PB:

Real Estate Number(s): 00114700.000000 and 00114660.000000; and

WHEREAS, an application for building permit # 03105135 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and

WHEREAS, Suburban Commercial (SC) Land Use District allows the construction of office space; and

NOW, THEREFORE, the undersigned agree as follows:

- The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and

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Intensity Reduction Restrictive Covenant
00114700.000000 and 00114660.000000

- The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and
- That the proposed structure has a Floor Area Ratio of 17.3 percent. The proposed structures are 1,992 square feet on an 11,508 square foot size parcel; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and
- This covenant is intended to benefit and run in favor of the County of Monroe; and In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 20th day of July, 2004.

WITNESSES

Whitney Meehan
(Signature)

Whitney Meehan
(Print/Type Name)

Rudy Krause
(Signature)

Rudy Krause
(Print/Type Name)

OWNER OR OWNERS

Thomas Kelly
(Signature)

Thomas Kelly
(Print/Type Name)

Kathleen V. Kelly
(Signature)

KATHLEEN V. KELLY
(Print/Type Name)

Sworn before me this 20th day of July, 2004.

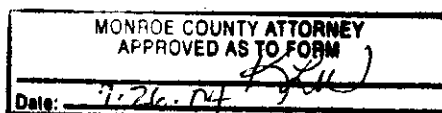
Whitney Meehan
Notary Public (Print Name)

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Intensity Reduction Restrictive Covenant
00114700.000000 and 00114660.000000



Whitney Meehan
Commission #DD153191
Expires: Sep 24, 2006
Bonded Thru
Atlantic Bonding Co., Inc.



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WARRANTY DEED

This Indenture made this 4 day of June, 1998 BETWEEN FLORIDA KEYS ASSOCIATES, INC., a Florida Corporation, a corporation existing under the laws of Florida, and having its principal place of business at P.O. Box 420255, Summerland Key, FL 33042, GRANTOR*, and THOMAS KELLY and KATHLEEN KELLY, his wife, of 19141 Rocky Road, Sugarloaf Key, FL 33042, as GRANTEE*.

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Monroe, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject to taxes for the year 1998 and subsequent years.

Subject to conditions, restrictions, easements and limitations of record, if any.

Subject to purchase money mortgage given by grantees herein in favor of Joseph H. Elkins filed even date herewith.

RE# 00114700;00114660


THE PROPERTY CONVEYED HEREIN IS NEITHER THE DOMICILE NOR THE HOMESTEAD OF THE GRANTOR HEREIN NOR HIS SPOUSE NOR ANY OF HIS IMMEDIATE HOUSEHOLD AS DEFINED BY THE LAWS OF THE STATE OF FLORIDA.

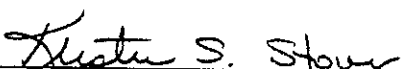
and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

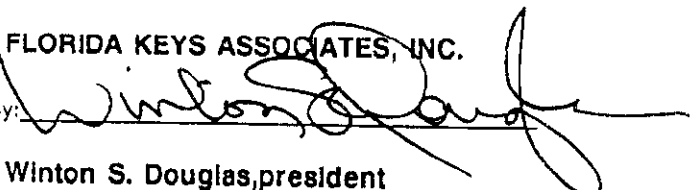
*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

WITNESSES


Sign & Print Name Larry R. Elkins


Sign & Print Name Kristine S. Stover

FLORIDA KEYS ASSOCIATES, INC.
by: 
Winton S. Douglas, president

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State and County aforesaid to take

EXHIBIT "A"

A part of Government Lot 8, Section 26, T. 66 S., R. 28 E., on Summerland Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Northeast corner of Lot 34 of "HUDGINS SUBDIVISION" as recorded in Plat Book 2, at Page 143, of the Public Records of Monroe County, Florida, bear South 86 degrees, 21 minutes and 39 second East 60 feet to the POINT OF BEGINNING of the tract of land hereinafter described; thence continue South 86 degrees 21 minutes and 39 seconds East, 110 feet; thence bear South 104.69 feet to the Northerly right-of-way line of U.S. Highway No. 1; thence bear North 86 degrees, 21 minutes and 39 seconds West, 110 feet; thence bear North, 104.69 feet, back to the POINT OF BEGINNING.